

MAR. 24. 2004 10:37AM

MARSHALL GERSTEIN & BORUN

NO. 4821 P. 1

RECEIVED
CENTRAL FAX CENTER

MAR 24 2004

OFFICIAL

MARSHALL, GERSTEIN & BORUN LLP
ATTORNEYS AT LAW
6300 SEARS TOWER
233 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606-6357
(312) 474-6300
FAX: (312) 474-0448

March 24, 2004

FACSIMILE TRANSMISSION SHEET

TO
COMPANY USPTO
FAX NO. 1-703-872-9306
PHONE NO.

FROM: Sharon M. Sintich

EXTENSION: 818

PAGES (INCLUDING THIS PAGE): 12

CLIENT NO: 29915

MATTER NO: 6280M

PLEASE CONFIRM RECEIPT: Yes

COUNTRY CODE: US

MESSAGE:

Please contact Jill L. Schumeth at (312) 474-6818 if you do not receive all of the pages in good condition.

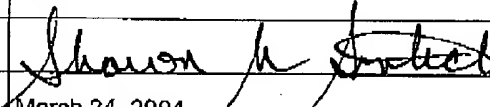
This transmission contains confidential information intended only for the addressee. If you are not the addressee, any disclosure or use of this information by you is strictly prohibited. If you have received this facsimile in error, please notify us by telephone immediately.

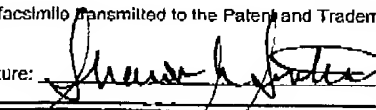
PTO/SB/21 (08-03)
Approved for use through 07/31/2008. OMB 0651-0034
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/869,414
		Filing Date	June 27, 2001
		First Named Inventor	Mark E. Gurney
		Art Unit	1647
		Examiner Name	C. Nichols
Total Number of Pages in This Submission	1	Attorney Docket Number	29915/6280M

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer (2) <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<div style="border: 1px solid black; padding: 5px; width: 150px; float: left; margin-bottom: 5px;">Remarks</div>		

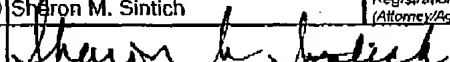
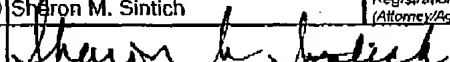
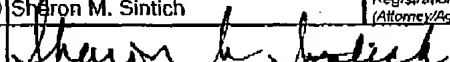
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MARSHALL, GERSTEIN & BORUN LLP Sharon M. Sintich - 48,484
Signature	
Date	March 24, 2004

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.	
Dated: March 24, 2004	Signature:  (Sharon M. Sintich)

PTO/SB/17 (10-03)

Approved for use through 7/31/2005. OMB 0551-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

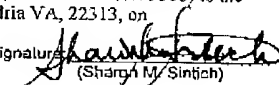
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004				Complete if Known																																																																																																																																																																																																																																																																																																				
Effective 10/01/2003, Patent fees are subject to annual revision.				Application Number	09/889,414																																																																																																																																																																																																																																																																																																			
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27				Filing Date	June 27, 2001																																																																																																																																																																																																																																																																																																			
				First Named Inventor	Mark E. Gurney																																																																																																																																																																																																																																																																																																			
				Examiner Name	C. Nichols																																																																																																																																																																																																																																																																																																			
				Art Unit	1647																																																																																																																																																																																																																																																																																																			
TOTAL AMOUNT OF PAYMENT		(\$)		400.00																																																																																																																																																																																																																																																																																																				
METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																																																																																																																																																																																																																																																																																																				
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None				3. ADDITIONAL FEES <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>620*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>950</td><td>2253</td><td>475</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,010</td><td>2255</td><td>1,005</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>290</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,330</td><td>2453</td><td>665</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,330</td><td>2501</td><td>885</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>480</td><td>2502</td><td>240</td><td>Design issue fee</td><td></td></tr> <tr><td>1603</td><td>640</td><td>2503</td><td>320</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 17 CFR 1.17(g)</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Sheet</td><td>180.00</td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (Times number of properties)</td><td></td></tr> <tr><td>1809</td><td>770</td><td>2809</td><td>385</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>770</td><td>2810</td><td>385</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>770</td><td>2801</td><td>385</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="4">Other fee (specify)</td> <td>1814</td> <td>Statutory Disclaimer (2)</td> <td>220.00</td> </tr> <tr> <td colspan="4"></td> <td colspan="2" style="text-align: right;">*Reduced by Basic Filing Fee Paid</td> </tr> <tr> <td colspan="4" style="text-align: right;">SUBTOTAL (1) (\$)</td> <td colspan="2" style="text-align: right;">0.00</td> </tr> <tr> <td colspan="4" style="text-align: center; font-weight: bold;">2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</td> <td colspan="2" style="text-align: center;">SUBTOTAL (3) (\$)</td> </tr> <tr> <td colspan="4"> Total Claims <input type="text"/> -20** = <input type="text"/> x <input type="text"/> = <input type="text"/> Independent Claims <input type="text"/> -3** = <input type="text"/> x <input type="text"/> = <input type="text"/> Multiple Dependent <input type="text"/> = <input type="text"/> </td> <td colspan="2" style="text-align: right;">400.00</td> </tr> <tr> <td colspan="4"> <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1202</td><td>18</td><td>2202</td><td>9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201</td><td>86</td><td>2201</td><td>43</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203</td><td>280</td><td>2203</td><td>145</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>1204</td><td>86</td><td>2204</td><td>43</td><td>** Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205</td><td>18</td><td>2205</td><td>9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr> </tbody> </table> </td> <td colspan="2" style="text-align: right;">SUBTOTAL (2) (\$)</td> </tr> <tr> <td colspan="4"></td> <td colspan="2" style="text-align: right;">0.00</td> </tr> <tr> <td colspan="6" style="text-align: center; font-size: x-small;">** or number previously paid, if greater; For Reissues, see above</td> </tr> <tr> <td colspan="4" style="text-align: center; font-weight: bold;">SUBMITTED BY</td> <td colspan="2" style="text-align: center; font-weight: bold;">(Complete if applicable)</td> </tr> <tr> <td colspan="2">Name (Print/Type)</td> <td colspan="2">Sharon M. Sintich</td> <td>Registration No. (Attorney/Agent)</td> <td>48,484</td> </tr> <tr> <td colspan="2">Signature</td> <td colspan="2"></td> <td>Telephone</td> <td>(312) 474-8631</td> </tr> <tr> <td colspan="2"></td> <td colspan="2"></td> <td>Date</td> <td>March 24, 2004</td> </tr> </tbody> </table>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for ex parte reexamination		1804	920*	1804	620*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	420	2252	210	Extension for reply within second month		1253	950	2253	475	Extension for reply within third month		1254	1,480	2254	740	Extension for reply within fourth month		1255	2,010	2255	1,005	Extension for reply within fifth month		1401	330	2401	165	Notice of Appeal		1402	330	2402	165	Filing a brief in support of an appeal		1403	290	2403	145	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,330	2453	665	Petition to revive - unintentional		1501	1,330	2501	885	Utility issue fee (or reissue)		1502	480	2502	240	Design issue fee		1603	640	2503	320	Plant issue fee		1460	130	1460	130	Petitions to the Commissioner		1807	50	1807	50	Processing fee under 17 CFR 1.17(g)		1806	180	1806	180	Submission of Information Disclosure Sheet	180.00	8021	40	8021	40	Recording each patent assignment per property (Times number of properties)		1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))		1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))		1801	770	2801	385	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application		Other fee (specify)				1814	Statutory Disclaimer (2)	220.00					*Reduced by Basic Filing Fee Paid		SUBTOTAL (1) (\$)				0.00		2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE				SUBTOTAL (3) (\$)		Total Claims <input type="text"/> -20** = <input type="text"/> x <input type="text"/> = <input type="text"/> Independent Claims <input type="text"/> -3** = <input type="text"/> x <input type="text"/> = <input type="text"/> Multiple Dependent <input type="text"/> = <input type="text"/>				400.00		<table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1202</td><td>18</td><td>2202</td><td>9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201</td><td>86</td><td>2201</td><td>43</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203</td><td>280</td><td>2203</td><td>145</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>1204</td><td>86</td><td>2204</td><td>43</td><td>** Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205</td><td>18</td><td>2205</td><td>9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr> </tbody> </table>				Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1202	18	2202	9	Claims in excess of 20		1201	86	2201	43	Independent claims in excess of 3		1203	280	2203	145	Multiple dependent claim, if not paid		1204	86	2204	43	** Reissue independent claims over original patent		1205	18	2205	9	** Reissue claims in excess of 20 and over original patent		SUBTOTAL (2) (\$)						0.00		** or number previously paid, if greater; For Reissues, see above						SUBMITTED BY				(Complete if applicable)		Name (Print/Type)		Sharon M. Sintich		Registration No. (Attorney/Agent)	48,484	Signature				Telephone	(312) 474-8631					Date	March 24, 2004
Large Entity		Small Entity				Fee Description	Fee Paid																																																																																																																																																																																																																																																																																																	
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																																																																																																																					
1051	130	2051	65			Surcharge - late filing fee or oath																																																																																																																																																																																																																																																																																																		
1052	50	2052	25			Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																																																																																																																																		
1053	130	1053	130	Non-English specification																																																																																																																																																																																																																																																																																																				
1812	2,520	1812	2,520	For filing a request for ex parte reexamination																																																																																																																																																																																																																																																																																																				
1804	920*	1804	620*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																																																																																																																																				
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																																																																																																																																				
1251	110	2251	55	Extension for reply within first month																																																																																																																																																																																																																																																																																																				
1252	420	2252	210	Extension for reply within second month																																																																																																																																																																																																																																																																																																				
1253	950	2253	475	Extension for reply within third month																																																																																																																																																																																																																																																																																																				
1254	1,480	2254	740	Extension for reply within fourth month																																																																																																																																																																																																																																																																																																				
1255	2,010	2255	1,005	Extension for reply within fifth month																																																																																																																																																																																																																																																																																																				
1401	330	2401	165	Notice of Appeal																																																																																																																																																																																																																																																																																																				
1402	330	2402	165	Filing a brief in support of an appeal																																																																																																																																																																																																																																																																																																				
1403	290	2403	145	Request for oral hearing																																																																																																																																																																																																																																																																																																				
1451	1,510	1451	1,510	Petition to institute a public use proceeding																																																																																																																																																																																																																																																																																																				
1452	110	2452	55	Petition to revive - unavoidable																																																																																																																																																																																																																																																																																																				
1453	1,330	2453	665	Petition to revive - unintentional																																																																																																																																																																																																																																																																																																				
1501	1,330	2501	885	Utility issue fee (or reissue)																																																																																																																																																																																																																																																																																																				
1502	480	2502	240	Design issue fee																																																																																																																																																																																																																																																																																																				
1603	640	2503	320	Plant issue fee																																																																																																																																																																																																																																																																																																				
1460	130	1460	130	Petitions to the Commissioner																																																																																																																																																																																																																																																																																																				
1807	50	1807	50	Processing fee under 17 CFR 1.17(g)																																																																																																																																																																																																																																																																																																				
1806	180	1806	180	Submission of Information Disclosure Sheet	180.00																																																																																																																																																																																																																																																																																																			
8021	40	8021	40	Recording each patent assignment per property (Times number of properties)																																																																																																																																																																																																																																																																																																				
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																																																																																																																																																				
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																																																																																																																																				
1801	770	2801	385	Request for Continued Examination (RCE)																																																																																																																																																																																																																																																																																																				
1802	900	1802	900	Request for expedited examination of a design application																																																																																																																																																																																																																																																																																																				
Other fee (specify)				1814	Statutory Disclaimer (2)	220.00																																																																																																																																																																																																																																																																																																		
				*Reduced by Basic Filing Fee Paid																																																																																																																																																																																																																																																																																																				
SUBTOTAL (1) (\$)				0.00																																																																																																																																																																																																																																																																																																				
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE				SUBTOTAL (3) (\$)																																																																																																																																																																																																																																																																																																				
Total Claims <input type="text"/> -20** = <input type="text"/> x <input type="text"/> = <input type="text"/> Independent Claims <input type="text"/> -3** = <input type="text"/> x <input type="text"/> = <input type="text"/> Multiple Dependent <input type="text"/> = <input type="text"/>				400.00																																																																																																																																																																																																																																																																																																				
<table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1202</td><td>18</td><td>2202</td><td>9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201</td><td>86</td><td>2201</td><td>43</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203</td><td>280</td><td>2203</td><td>145</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>1204</td><td>86</td><td>2204</td><td>43</td><td>** Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205</td><td>18</td><td>2205</td><td>9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr> </tbody> </table>				Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1202	18	2202	9	Claims in excess of 20		1201	86	2201	43	Independent claims in excess of 3		1203	280	2203	145	Multiple dependent claim, if not paid		1204	86	2204	43	** Reissue independent claims over original patent		1205	18	2205	9	** Reissue claims in excess of 20 and over original patent		SUBTOTAL (2) (\$)																																																																																																																																																																																																																																																												
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																																																																																																																																			
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																																																																																																																					
1202	18	2202	9	Claims in excess of 20																																																																																																																																																																																																																																																																																																				
1201	86	2201	43	Independent claims in excess of 3																																																																																																																																																																																																																																																																																																				
1203	280	2203	145	Multiple dependent claim, if not paid																																																																																																																																																																																																																																																																																																				
1204	86	2204	43	** Reissue independent claims over original patent																																																																																																																																																																																																																																																																																																				
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																																																																																																																																																																				
				0.00																																																																																																																																																																																																																																																																																																				
** or number previously paid, if greater; For Reissues, see above																																																																																																																																																																																																																																																																																																								
SUBMITTED BY				(Complete if applicable)																																																																																																																																																																																																																																																																																																				
Name (Print/Type)		Sharon M. Sintich		Registration No. (Attorney/Agent)	48,484																																																																																																																																																																																																																																																																																																			
Signature				Telephone	(312) 474-8631																																																																																																																																																																																																																																																																																																			
				Date	March 24, 2004																																																																																																																																																																																																																																																																																																			

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.

Dated: March 24, 2004

Signature:  (Sharon M. Sintich)

I hereby certify that this paper and papers referred to as being attached, are being transmitted via facsimile (Fax No. 703-872-9306) to the Commissioner for Patents, Alexandria VA, 22313, on	
Dated: March 24, 2003	Signature:  (Sharon M. Smith)

Docket No.: 29915/6280M
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mark E. Gurney, et al.

Application No.: 09/869,414

Group Art Unit: 1647

Filed: June 27, 2001

Examiner: C. Nichols

For: ALZHEIMER'S DISEASE SECRETASE, APP
SUBSTRATES THEREFOR, AND USES
THEREFOR

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The above-identified application is a member of a family of co-pending U.S. applications (the "Asp2" applications). This Information Disclosure Statement describes the family of applications for the Examiner.

I. Prosecution Strategy

A multi-application filing strategy was initiated to expedite prosecution of the Asp2 patent applications. Petitions to make special require restriction to a single invention. It was predicted that the originally filed claims in 09/416,901 would be restricted into at least 5 claim groups (human Asp2 polynucleotides, human Asp2 polypeptides, methods of screening, murine Asp2 polynucleotide and polypeptide sequences, and methods of using antisense oligonucleotides). Therefore, 10 divisional applications were filed in April, 2000 wherein these 5 claim groups were each presented in two divisional applications. Petitions to make special were filed in five of the divisional applications (one for each claim set). Because of antidotal evidence that petitions to make special will sometimes actually slow prosecution, five identical applications were filed without petitions.

Application No.: 09/869,414

The American Inventor's Protection Act of November 29, 2000 created new provisional rights in the United States based on a published application. Therefore, five additional divisional applications were filed in February, 2001 for the purpose of publication in the United States. Since the speed at which the U.S. PTO would publish these applications was uncertain, three PCT applications were filed with the International Bureau with a request for expedited publication in May, 2001. The present application is a national phase application of one of these PCT applications. These steps were taken to have an application publish and be effective in the U.S. for provisional rights as soon as possible.

II. Related Pending Applications

Submitted herewith, as Appendix A and Form PTO-1449, is list of pending U.S. patent applications that are related to the above-identified application. The related applications claim priority to U.S. provisional applications 60/101,594 and 60/155,493, and U.S. application 09/404,133 (abandoned). One or more of the related applications may contain claims that are similar in scope or content to claims of the present application. Copies of these applications are not enclosed, but are pending in the U.S. Patent Office and should be available to the Examiner.

These pending applications are currently under examination by Examiners Sharon Turner, Olga Chernyshev or Elizabeth Slobodyansky. Examiners Turner and Chernyshev, both of whom have examined multiple applications of the family, have been made aware of the size and complexity of the patent family on an informal basis. As this is the present examiner's first exposure to the patent family, this statement is submitted to assist him in understanding the patent family.

The elected claims in the present invention are directed to polynucleotides of SEQ ID NO: 3, the polypeptides (SEQ ID NO: 4) encoded thereby and methods of using these polynucleotides and polypeptides. The following related pending U.S. applications contain claims directed to SEQ ID NO: 3, SEQ ID NO: 4 and/or methods of screening using the polynucleotides or polypeptides: 09/548,368, 09/548,365, 09/548,366, 09/549,369, 09/794,743, 09/794,927, 09/794,847, and 09/794,925.

During the course of prosecution of these applications, different examiners have raised a variety of rejections under 35 U.S.C. §102, §103, §112, first and second paragraphs, and double patenting. Upon request, the Applicants will provide the Examiner

Application No.: 09/869,414

with copies of office actions and/or responses filed for the related applications. The Examiner is invited to contact the undersigned if further explanation of the patent family is necessary.

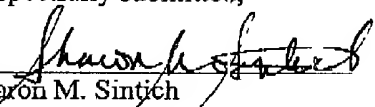
III. Conclusion

This Supplemental Information Disclosure Statement is being submitted after receipt of the first office action on the merits. Please charge the fee (\$180.00) due under 37 C.F.R. §1.97 (c) to Deposit Account No. 13-2855. The Commissioner is authorized to charge any additional fees due with this Statement to the above-identified Deposit Account.

Dated: March 24, 2004

Respectfully submitted,

By


Sharon M. Sintich

Registration No.: 43,484

MARSHALL, GERSTEIN & BORUN

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Agents for Applicant